

REMARKS

Claims 17, 20, 42 and 44-54 have been amended and new dependent claims 56-58 have been added. Two copies of a substitute sequence listing on CD-ROM and a computer readable form (CRF) copy thereof, also on CD-ROM, have been submitted herewith. In addition, a new set of formal drawings has been submitted herewith, reflecting minor changes that have been made to a subset of the drawings. Specifically, Figure 1 has been changed as follows: all sequence identifier labels have been adjusted to recite "SEQ ID NO:", and the amino acid sequence of DP185 (HIV1SF2; SEQ ID NO:3) has been changed in that a "T" (threonine) replaces a "N" (asparagine) residue in the seventh residue position of the sequence. This change is supported by the correct sequence as provided in the filed Sequence Listing.

Figure 52A has been changed as follows: an extra "G" (glycine) residue in the 35th residue position within Domain I at the top of the page, previously included as a typographical error, has been omitted to correctly reflect the sequence and correspond with the peptide "walks" correctly listed below in the same figure. Also, the number "220" (indicating residue position within the protein from which the recited sequence derives) has been changed to "219" to correct a minor counting error.

Figure 52B has been changed as follows: a "T" (threonine) residue has been added at the 47th residue position within Domain II at the top of the page (accordingly, the threonine residues have also been appropriately added to the peptide "walks" of Domain II listed in the figure). Support for this correction to the amino acid sequence may be found in Figure 35. Also, the numbers "223" to "291," indicating the residue position range for Domain II, have been changed to "233" and "290" to correct a minor counting error.

Portions of the specification and claims 17 and 44-54, as well as the Sequence Listing and Figures 1, 52A and 52B of the drawing sheets, have been amended to offer greater clarity to the invention as claimed, to clarify sequence identification numbers (SEQ ID NOS) and figure headings in the specification, to address minor typographical and counting errors in the

figures and in the sequence listing, and to adjust similarly minor points of punctuation, spelling and grammar in the specification.

The amendments to the pending claims are fully supported by the instant specification as originally filed and do not constitute the introduction of new matter, *e.g.*, support for the phrase “contacting the virus” in claim 17 may be found with particularity at page 24, lines 1-10, and more generally at page 22, line 20 to page 24, line 13; page 24, lines 28-32; and page 36, line 25 to page 37, line 11 of the specification. Support for the phrase “infection of the cell by the virus is inhibited” in claim 17 is supported throughout the original specification, *e.g.*, most particularly at page 8, line 15 to page 9, line 33 and page 351, line 18 to page 352, line 1; yet also at page 1, line 15 to page 2, line 2; page 334, line 30 to page 337, line 35; page 338, line 15 to page 339, line 5; page 356, line 25 to page 357, line 4; page 360, line 10 to page 362, line 26; and page 390, line 20 to page 391, line 21.

Applicants respectfully submit that the claim amendments herein do not markedly alter the substantive scope of the invention. The amendments rather reflect corrections of minor typographical errors in claim language. The amendments also reflect a clarification of specific claim terms in Applicants’ group of related patents and patent applications, all deriving from the same parent U.S. Patent No. 6,479,055 (issued November 12, 2002), to describe aspects of the inhibition of viral transmission. Furthermore, Applicants had previously submitted a Notice of Appeal on May 11, 1998 and an Appeal Brief on December 11, 1998. However, a Decision on Appeal was mailed only as of August 13, 2003, and a Notice of Allowance mailed shortly thereafter on October 1, 2003. Applicants believe that, in light of the above, these claim amendments are justifiably presented now, as no opportunity for such amendments has previously arisen.

The new claims 56-58 are dependent on the allowed method claim 17 and recite peptides that also can be effectively used in inhibiting transmission of Hepatitis B in accordance with the limitations of claim 17. These new claims are fully supported by the instant specification as originally filed and do not constitute new matter. Support pertaining to “substitutions” in these new claims 56-58 is located at page 28, line 1 to page 29, line 7;



Application No. 08/487,355
Rule 312 Amendment of December 31, 2003
Reply to October 1, 2003 Notice of Allowance

page 36, line 24 to page 38, line 6; and at page 43, line 31 to page 48, line 11. Support for these claims pertaining to the identification and testing for such peptides as effective antivirals may be found, *e.g.*, at page 10, lines 21-32; at page 28, line 1 to page 29, line 7; page 36, line 24 to page 38, line 6; page 43, line 31 to page 48, line 11; and in section 22 at page 390, line 20 to page 391, line 21.

Entry of the amendments and remarks made herein into the file history of the above-identified application is respectfully requested.

Respectfully submitted,

Date December 31, 2003

By: Stephen C. Sullivan, Reg. No. 43,171
Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures